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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,137	08/16/2000	Gilad Almogy	49959-167	3817

32588            7590            02/14/2003

APPLIED MATERIALS, INC.  
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SANTA CLARA, CA 95050

[REDACTED] EXAMINER

PHAM, HOA Q

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

2877

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/641,137	ALMOGY ET AL.
	Examiner Hoa Q. Pham	Art Unit 2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 May 2002.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 5-7, 12, 13, 17 and 23-34 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 8-11, 14-16 and 18-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5,6</u> . | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 2877

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I (claims 1-24), species b) claims 8-11 and 19-22 in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the search and examination of the entire application can be made without serious burden. This is not found persuasive because applicant ignores the standard of MPEP section 803 that defines what shows a serious burden of search and examination:

"For purposes of the initial requirement a serious burden on the examiner may be prima facie shown by appropriate explanation either separates classification, separate status in the art, or different field of searches as defined in MPEP Section 808.02. That prima facie showing may be rebutted by appropriate showings or evidence by applicant."

The examiner has satisfied the requirements of MPEP section 808.02 on the basis of different search, and separate status in the art because of their recognized divergent subject matter. Therefore applicant's argument fails and claims 5-7, 12-13, 17, 23-34 are withdrawn from consideration. Claims 1-4, 8-11, 14-16, 18-22 will be examined.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 112***

Art Unit: 2877

2. Claims 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. As mentioned in the restriction, claim 19 depends on claim 17 which fails to further limitation of claim 17. Should it depend on claim 14?

b. Claims 20-22 are dependent on claim 19; therefore inherit the deficiencies of claim 9.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 14, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Pirlet (4,171,917) or Sick et al (4,632,546).

Claims 1, 14, and 18 are read on the teachings of Pirlet or Sick et al.

Pirlet discloses a light source (11), a scanner (13) and a deflection element (14) (see figure 4b of Pirlet).

Sick et al discloses a light source (19), a scanner (21) and a deflection element (22) (see figure 1 of Sick et al).

Art Unit: 2877

5. Claims 1, 14-15, and 18 rejected under 35 U.S.C. 102(b) as being anticipated by Dlugos (5,777,746).

Dlugos discloses a light source (32), a scanner (34), and a reflection element (20) (see figure 1).

6. Claims 1-4, 14, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Brierley (5106,196) (of record).

Mirror (50) is considered as a scanner. The first angle is normal to the substrate and the second angle is oblique to the substrate (see figure 2).

7. Claims 1, 14, 15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Peng (5,408,352).

The teachings of Peng read on claims 1, 14, 15, and 18. Peng discloses a light source (5), a scanner (10) and a deflection element (2) as shown in figure 5 of Peng.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8-11 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brierley in view of Neri et al (EU-0582868)(of record).

Art Unit: 2877

Brierley does not explicitly teach the use of a glass wedge for focusing light onto the surface of the substrate. However, such a feature is known in the art as taught by Neri et al. Neri et al teaches the use of glass wedge (13) for focusing light on the surface of an object (6) (see figure 2). Those of ordinary skill in the art at the time the invention was made to replace the reflection mirrors 40 and 22 of Brierley by a glass wedge of Neri because they are function in the same manner. A substitution for each other is generally recognized as being within the level of ordinary skill in the art.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okada et al (5,125,741) and Wang (6,219,168) discloses a scanning system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa Q. Pham whose telephone number is (703) 308-4808. The examiner can normally be reached on 6:30 AM to 5 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (703) 308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Art Unit: 2877

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Hoa Q. Pham  
Primary Examiner  
Art Unit 2877

HP  
February 8, 2003